

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT AMENDMENTS OF 1996

SEPTEMBER 17, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4040]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4040) to amend title 49, United States Code, relating to intermodal safe container transportation, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this legislation is to make several changes and corrections to the Intermodal Safe Container Transportation Act of 1992 in order to permit the shippers, ocean carriers, railroads and motor carriers that are subject to its strictures to operationally implement the goals of the 1992 Act.

BACKGROUND AND NEED

The Intermodal Safe Container Transportation Act was passed by Congress in 1992. The 1992 Act was intended to set national standards for the intermodal transfer of freight containers between ocean shipping lines, railroads and motor carriers to help ensure that no trucks hauling containers on the nation's highways are overweight. To accomplish this, the 1992 Act required that a certification be prepared for each intermodal container which included a description of the container's contents and the gross weight. This certification was to be prepared by the shipper and passed along between ocean carriers, railroads and motor carriers.

The 1992 Act contained several provisions that the ocean shipping, railroad and motor carrier industries agreed would impede

the smooth flow of intermodal container shipments. These problems were contained in the statute and could not be corrected administratively by DOT. As a result, a coalition of ocean carriers, railroads, motor carriers and freight shippers recommended changes to the 1992 Act, and this coalition's recommendations are the basis of these Amendments.

The 1992 Act's provisions become effective upon the date that final regulations to enforce the 1992 Act take effect. The Department of Transportation issued final regulations to implement the 1992 Act to be effective on September 1, 1996. DOT voluntarily agreed to delay implementation of these final regulations until January 2, 1997. Therefore, the 1992 Act has never gone into effect.

These Amendments made by this legislation fully meet the objectives of the 1992 Act, are compatible with the complex operations of the freight industry, and balance the needs of carriers of all modes and shippers. These provisions are also supported by DOT.

These Amendments encourage compliance with highway weight rules by establishing liability for gross weight violations from carrying intermodal containers. Shippers must provide a certification that among other things, identifies the weight and contents of the container. If this certification is not made or is made incorrectly, the shippers are liable for any resultant highway weight violations.

The Amendments will speed shipments by permitting all carriers to use electronic certifications and reduces paperwork by permitting a bill of lading to be used as the certification. The weight threshold for a container certification has been set at 29,001 pounds. This weight reduces the burden of complying with the Act but still ensures that all containers likely to cause overweight violations will be identified.

The Committee believes that Federal and State enforcement personnel should be facilitated in determining weight law compliance by having intermodal container or trailer weight certifications promptly available to them. Carriers and States, where practical, should move to electronic data systems that ensure rapid retrieval of required certificates for commercial vehicle inspection authorities. In the interim, if carriers provide required certifications in writing, carriers and States should develop appropriate methods, including facsimile transmission, to ensure that the information will be readily available to enforcement personnel.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

The Act shall be cited as the Intermodal Safe Container Act Amendments of 1996.

SECTION 2—REFERENCES TO TITLE 49

This section provides that all references are to provisions contained in title 49, United States Code.

SECTION 3—DEFINITIONS

This section conforms the reference to definitions contained in the Interstate Commerce Act to changes made in the ICC Termini-

nation Act of 1995 and adds a new definition of Gross Cargo Weight to section 5901 of title 49.

SECTION 4—NOTIFICATION AND CERTIFICATIONS

This section strikes the existing section 5902 of title 49 and substitutes an amended section.

New subsection 5902(a) requires that any person tendering a container or trailer having a projected gross cargo weight in excess of 29,000 pounds to a motor carrier must give that motor carrier a prior written, electronic or telephonic notification of the projected gross cargo weight and a reasonable description of the contents of such container or trailer. This notification is only required if the motor carrier is the first carrier.

New subsection 5902(b) sets forth that a person who tenders a loaded container or trailer that has an actual gross cargo weight exceeding 29,000 pounds must provide a written or electronic certification to the first carrier. Subsection 5902(b)(2) provides that this certification shall include (i) the actual gross cargo weight, (ii) a reasonable description of the contents of the container or trailer, (iii) the identity of the certifying party, (iv) the container or trailer number, and (v) the date of the certification or transfer. Subsection 5902(b)(3) sets forth how a carrier may transfer data contained on a certification. Subsection 5902(b)(4) permits a bill of lading to serve as the certification if it contains the required elements for a certification. Subsection 5902(b)(5) prohibits, after December 31, 2000, the use of the term “Freight All Kinds” or “FAK” to describe the contents of a container or trailer if the weight of any one commodity in that container or trailer exceeds 20 percent of the weight of the contents of that container or trailer. A three-year phase-in is provided to give carriers that use such designations time to adjust their information systems. Subsection 5902(b)(6) sets out certification document markings. Subsection 5902(b)(7) applies this section to any domestic or foreign person who tenders a container or trailer for intermodal transportation in the United States.

New Subsection 5902(c) requires that any certification be transferred from a carrier to a subsequent carrier. It provides that if a carrier does not receive a certification, then it is presumed that no certification was required for that container or trailer. This subsection states that a person who fails to forward or inaccurately transfers the certificate is liable to any person who incurs any bond, fine, penalty, cost (including storage) or interest charge incurred as a result of such failure or inaccuracy. This subsection gives carriers a right to file a lien against the contents of the container or trailer if such carrier incurs any such bond, fine, penalty, cost or interest charge. This subsection also sets forth the information that motor carriers must provide to leased operators and the liability of motor carriers to leased operators in the event of a resultant gross weight violation.

Subsection 5902(d) sets forth the rights of owners of freight who pay a carrier’s lien to collect from other persons in the case of a carrier filing a lien on the shipment for weight violations.

The Act creates lien rights in favor of carriers that must post a bond, or that must pay fines, penalties or costs resulting from the failure of a shipper to provide an accurate certification, failure of

a previous carrier to forward a required certification, or from the inaccurate transfer of information on a certificate. Similarly, the entity or entities that are responsible for the failure to forward a certification, or for inaccurate transfer of information, are liable to the lienholder, or to the entity that pays to have the lien released, for amounts secured by the loan. Section 5902(c) and 5902(d) both now contain language describing the scope of the liability of such an entity or entities to a lienholder or to the entity paying to release the lien. The language relating to “costs” differs slightly in the two subsections. These differences are stylistic only, and no substantive distinction is to be inferred from the differences in the language. It is the intent of the Committee that while “costs” shall include court costs and reasonable legal fees directly related to asserting or enforcing any lien, no entity shall be liable to any other entity for consequential or indirect damages arising from the exercise of any lien rights. Accordingly, for example, no entity shall be liable under the Act for damages premised on delay in delivery of cargo (except for storage costs, which are explicitly included), lost profits, disruption to commercial relationships, or any other similar claim, regardless of whether or not the potential for such damage is foreseeable or in fact known.

Subsection 5902(e) clarifies the situations in which this subsection does not apply.

SECTION 5—PROHIBITIONS

Subsection (a) makes a conforming change to Section 5903(a).

Subsection (b) strikes the existing Section 5903(b) and substitutes an amended version which provides that it is presumed that if no certification is received by a motor carrier when an intermodal container or trailer is tendered to it, then the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds. This subsection also provides that a copy of the certification is not required to accompany the intermodal container or trailer.

Subsection (c) conforms the weight limit in Section 5903(c)(1) from 10,000 to 29,000 pounds.

SECTION 6—LIENS

Subsection (a) amends Section 5905(a) to conform this section, which establishes in which instances parties have liens on the contents of containers or trailers, to the amended lien provisions in section 5902.

Subsection (b) makes conforming changes to Section 5905(b) to include the owner of the contents of the container or trailer and provides that any lien shall remain in effect until the lien holder receives payment in accordance with Section 5905(a).

SECTION 7—PERISHABLE AGRICULTURAL COMMODITIES

This section makes conforming changes.

SECTION 8—EFFECTIVE DATE

This section amends Section 5907 to provide that the statutory changes made by this Act are effective on the date of enactment of

this act. This section also provides that these provisions as amended by this Act shall be implemented 180 days after the date of enactment of this Act. The purpose of this section is to ensure that the provisions of the 1992 Act do not take effect on January 1, 1997. Therefore, the statutory changes made by this Act are effective on the date of enactment. To ensure that all relevant parties have 180 days to prepare for the changes made by this Act, this section provides that they shall not be effective for 180 days.

SECTION 9—RELATIONSHIP TO OTHER LAWS

Subsection (a) adds a new Section 5908 which states that nothing in this act affects hazardous materials transportation or vehicle weight laws.

Subsection (b) is a conforming change.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, no oversight findings or recommendations are included in this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee estimates that the enactment of H.R. 4040 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4040 does not contain any new budget authority or new credit authority.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4040.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4040, as amended, from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4040, the Intermodal Safe Container Transportation Amendments Act of 1996, as ordered reported by the House Committee on Transportation and Infrastructure on September 12,

1996. CBO estimates that implementing H.R. 4040 would have no impact on the federal budget. Enacting H.R. 4040 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 4040 would amend Title 49 of the U.S. Code. Specifically, it would amend the Intermodal Safe Container Transportation Act of 1992. Some of the changes include increasing the weight threshold required for container certification from 10,000 pounds to 29,001 pounds and permitting carriers to use electronic certifications. Based on information from the Federal Highway Administration, CBO estimates that implementing H.R. 4040 would have no impact on the federal budget because it does not impose any additional requirements on the federal government.

H.R. 4040 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), and would impose no costs on state, local, or tribal governments.

H.R. 4040 contains private-sector mandates. However, CBO has not had sufficient time to evaluate such mandates or their costs and thus is not able to provide a cost estimate for those mandates.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Clare Doherty (for federal costs), Karen McVey (for the state and local costs), and Jean Wooster (for the impact on the private sector).

Sincerely,

JUNE E. O'NEILL, *Director*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

CHAPTER 59 OF TITLE 49, UNITED STATES CODE

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CHAPTER 59—INTERMODAL SAFE CONTAINER TRANSPORTATION

Sec.

5901. Definitions.

* * * * *

[5907. Regulations and effective date.]

5907. Effective date.

5908. Relationship to other laws.

§ 5901. Definitions

In this chapter—

[(1) the definitions in section 10102 of this title apply.]

(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.

* * * * *

(6) “gross cargo weight” means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.

[(6)] (7) “intermodal transportation” means the successive transportation of a loaded container or trailer from its place of origin to its place of destination by more than one mode of transportation in interstate or foreign commerce, whether under a single bill of lading or under separate bills of lading.

[(7)] (8) “trailer” means a nonpower, property-carrying, trailing unit that is designed for use in combination with a truck tractor.

§ 5902. Notifications and certifications

[(a) PRIOR NOTIFICATION.—Before a person tenders to a first carrier for intermodal transportation a loaded container or trailer having a projected gross cargo weight of more than 10,000 pounds (including packing material and pallets), the person shall give the carrier a written notification of the gross cargo weight and a reasonable description of the contents of the container or trailer. The notification may be transmitted electronically.

[(b) CERTIFICATION.—Not later than when a person tenders to a first carrier for intermodal transportation a container or trailer to which subsection (a) of this section applies or a loaded container or trailer having an actual gross cargo weight of more than 10,000 pounds (including packing material and pallets), the person shall certify to the carrier in writing the actual gross cargo weight and a reasonable description of the contents of the container or trailer.

[(c) FORWARDING CERTIFICATIONS TO SUBSEQUENT CARRIERS.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouse, or terminal operator shall forward the certification provided under subsection (b) of this section to a subsequent carrier transporting the container or trailer in intermodal transportation. The act of forwarding the certification may not be construed as a verification or affirmation of the accuracy or completeness of the information in the certification.

[(d) NONAPPLICATION.—(1) Subsections (a) and (b) of this section and section 5903(c) of this title do not apply to a carrier when the carrier is transferring a loaded container or trailer to another carrier during intermodal transportation, unless the carrier is also the person tendering the loaded container or trailer to the first carrier.

[(2) A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouse, or terminal operator is deemed not to be a person tendering a loaded container or trailer to a first carrier under this section, unless the carrier, agent, broker, customs broker, freight forwarder, warehouse, or terminal operator assumes legal responsibility for loading property into the container or trailer.]

§ 5902. Notifications and certifications

(a) PRIOR NOTIFICATION.—

(1) *IN GENERAL.—If the first carrier to which any loaded container or trailer having a projected gross cargo weight of more than 29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a notification of the projected gross cargo weight and a reasonable description of the contents of the container or trailer before the tendering of the container or*

trailer. The notification may be transmitted electronically or by telephone.

(2) *APPLICABILITY.*—This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier.

(b) *CERTIFICATION.*—

(1) *IN GENERAL.*—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds, to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

(2) *CONTENTS OF CERTIFICATION.*—The certification required by paragraph (1) shall include the following:

(A) The actual gross cargo weight.

(B) A reasonable description of the contents of the container or trailer.

(C) The identity of the certifying party.

(D) The container or trailer number.

(E) The date of certification or transfer of data to another document, as provided for in paragraph (3).

(3) *TRANSFER OF CERTIFICATION DATA.*—A carrier who receives a certification may transfer the information contained in the certification to another document or to electronic format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

(4) *SHIPPING DOCUMENTS.*—For purposes of this chapter, a shipping document, prepared by the person tendering a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

(5) *USE OF “FREIGHT ALL KINDS” TERM.*—The term “Freight All Kinds” or “FAK” may not be used for the purpose of certification under this subsection after December 31, 2000, as a description required under paragraph (2)(B) for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the total weight of the contents of the trailer or container. This subsection does not prohibit the use of such term after December 31, 2000, for rating purposes.

(6) *SEPARATE DOCUMENT MARKING.*—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked “INTERMODAL CERTIFICATION”.

(7) *APPLICABILITY.*—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.

(c) *FORWARDING CERTIFICATIONS TO SUBSEQUENT CARRIERS.*—

(1) *GENERAL RULE.*—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouse, or terminal operator shall forward the certification provided under subsection (b) to a subsequent carrier transporting the container or trailer in

intermodal transportation before or when the container or trailer is tendered to the subsequent carrier.

(2) *PRESUMPTION OF NO CERTIFICATION REQUIRED.*—*If no certification is received by the subsequent carrier before or when the container or trailer is being tendered to it, the subsequent carrier may presume that no certification is required.*

(3) *LIMITATION ON CONSTRUCTION OF FORWARDING.*—*The act of forwarding the certification may not be construed as a verification or affirmation of the accuracy or completeness of the information in the certification.*

(4) *LIABILITY.*—

(A) *IN GENERAL.*—*If a person inaccurately transfers the information on the certification or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest charge incurred as a result of the inaccurate transfer of information or failure to forward the certification.*

(B) *LIEN.*—*A subsequent carrier incurring a bond, fine, penalty, or cost (including storage), or interest charge as a result of the inaccurate transfer of the information or the failure to forward the certification shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest charge and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.*

(5) *NOTICE TO LEASED OPERATORS.*—*If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of subsection (b) would result in a violation of applicable State gross vehicle weight laws—*

(A) *a motor carrier must inform the operator of a vehicle which is leased by the vehicle operator to a motor carrier which transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier pursuant to subsection (b);*

(B) *the notice must be provided to the operator prior to the operator being tendered the container or trailer;*

(C) *the notice required by this subsection must be in writing, but may be transmitted electronically;*

(D) *the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator; and*

(E) *if the operator of a leased vehicle transporting a container or trailer subject to this chapter should receive a fine because of a violation of a State's gross vehicle weight laws or regulations and lessee motor carrier cannot establish that it tendered to the operator the notice required by this section, the operator shall be entitled to reimbursement from the motor carrier of the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.*

(d) *LIABILITY TO OWNER OR BENEFICIAL OWNER.*—*If—*

(1) a person inaccurately transfers information on a certification required by subsection (b)(1) or fails to forward a certification to the subsequent carrier;

(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest charge; and

(3) a subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner or to any other person paying the amount of the lien to the subsequent carrier for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with imposition of the lien.

(e) NONAPPLICABILITY.—

(1) CONSOLIDATED SHIPMENTS.—The notification and certification requirements of subsections (a) and (b) do not apply to any intermodal container or trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

(A) performs the highway portion of the intermodal movement; or

(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation.

(2) INTERMODAL TRANSPORTATION OF LOADED CONTAINERS.—

(A) IN GENERAL.—Subsections (a) and (b) and section 5903(c) do not apply to a carrier when the carrier is transferring a loaded container or trailer to another carrier during intermodal transportation, unless the carrier is also the person tendering the loaded container or trailer to the first carrier.

(B) SPECIAL RULE.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator is deemed not to be a person tendering a loaded container or trailer to a first carrier under this section, unless the carrier, agent, broker, customs broker, freight forwarder, warehouser, or terminal operator assumes legal responsibility for loading property into the container or trailer.

§ 5903. Prohibitions

(a) PROVIDING ERRONEOUS INFORMATION.—A person, to whom section 5902(b) applies, tendering a loaded container or trailer may not provide erroneous information in a certification required by section 5902(b) of this title.

[(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—A motor carrier may not transport a loaded container or trailer to which section 5902(b) of this title applies before receiving the certification required by section 5902(b).]

(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross

cargo weight of the container or trailer is less than 29,001 pounds.

(2) *COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter, if a certification is required by section 5902(b), a copy of the certification is not required to accompany the intermodal container or trailer.*

(c) *UNLAWFUL COERCION.—(1) A person may not coerce or attempt to coerce a person participating in intermodal transportation to transport a loaded container or trailer having an actual gross cargo weight of more than [10,000 pounds (including packing materials and pallets)] 29,000 pounds before the certification required by section 5902(b) of this title is provided.*

* * * * *

§ 5905. Liens

[(a) *GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required under State law to post a bond or pay any fine, penalty, cost, or interest resulting from providing erroneous information in the certification to the first carrier in violation of section 5903(a) of this title, the person has a lien against the contents equal to the amount of the bond, fine, penalty, cost, or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making the certification.*]

(a) *GENERAL RULE.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest charge resulting from—*

(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a),

(2) the failure of the party required to provide the certification to the first carrier to provide it,

(3) the failure of a person required under section 5902(c) to forward the certification to forward it, or

(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or 5902(c),

then the person posting the bond, or paying any fine, penalty, cost (including storage), or interest charge has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest charge incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making or forwarding the certification or transferring the information from the certification to another document.

(b) *LIMITATIONS.—(1) A lien under this section does not authorize a person to dispose of the contents of a loaded container or trailer*

until the person who tendered the container or trailer to the first carrier or *the owner or beneficial owner of the contents* is given a reasonable opportunity to establish responsibility for the bond, fine, penalty, **【cost, or interest.】** *cost (including storage), or interest charge. The lien shall remain in effect until the lien holder has received payment for all costs and expenses as described in subsection (a).*

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§ 5906. Perishable agricultural commodities

【Sections 5904(a)(2) and 5905 of this title do】 *Section 5905 does not apply to a container or trailer the contents of which are perishable agricultural commodities (as defined in the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.)).*

【§ 5907. Regulations and effective date

【(a) REGULATIONS.—Not later than July 25, 1993, the Secretary of Transportation shall prescribe final regulations to enforce this chapter. The Secretary may establish by regulation exemptions to the regulations that are in the public interest and consistent with the purposes of this chapter.

【(b) EFFECTIVE DATE.—This chapter is effective on the date final regulations to enforce this chapter are prescribed.**】**

§ 5907. Effective date

This chapter, as amended by the Intermodal Safe Container Transportation Act Amendments of 1996, is effective on the date of the enactment of such Act. The provisions of this chapter shall be implemented 180 days after such date of enactment.

§ 5908. Relationship to other laws

Nothing in this chapter affects—

- (1) chapter 51 (relating to transportation of hazardous material) or the regulations issued under that chapter; or*
- (2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.*